

LUXEMBOURG 2020 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The Grand Duchy of Luxembourg has a constitutional monarchy and a democratic parliamentary form of government with a popularly elected unicameral parliament called the Chamber of Deputies. The prime minister is the leader of the dominant party or party coalition in parliament. In 2018 the country held parliamentary elections that observers considered free and fair.

The Grand Ducal Police maintain internal security and report to the Ministry of Internal Security. Civilian authorities maintained effective control over the security forces. Members of the security forces committed some abuses of human rights.

There were no reports of significant human rights abuses.

The government had mechanisms in place to identify and punish officials who may commit human rights abuses.

Section 1. Respect for the Integrity of the Person, Including Freedom from

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were no reports that the government or its agents committed arbitrary or unlawful killings. The Police General Inspection in collaboration with the judiciary investigates law enforcement killings and pursues prosecution if necessary.

On July 31, the Luxembourg City District Court sentenced a police officer convicted of premeditated murder to a life sentence and fined the officer for damages, payable to the relatives of one of his victims. The police officer was convicted of poisoning his sister and brother-in-law in 2016. The defendant

LUXEMBOURG

appealed the sentence.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits such practices, and there were no reports that government officials employed them.

Impunity was not a significant problem in the security forces.

Prison and Detention Center Conditions

There were no significant reports regarding prison or detention center conditions that raised human rights concerns.

Physical Conditions: There were no major concerns in prisons and detention centers regarding physical conditions or inmate abuse.

On January 24, a juvenile judge decided to incarcerate a 17-year-old convict at the Penitentiary Center in Schrassig, an adult prison. The judge took the decision after it became apparent that the minor, who turned 18 during the year, could not remain in close quarters with other minors due to his overtly violent behavior and refusal to undergo counseling. The Public Prosecutor's Office noted in its January 24 communique the decision was in accordance with the law, which allows judges to place minors in Schrassig. Several nongovernmental organizations (NGOs) criticized the decision, asserting that minors should be kept separate from adult inmates, but the court countered that the extenuating circumstances surrounding this case justified the decision.

Starting March 18, the prison administration introduced measures to prevent the spread of COVID-19 among inmates. Between March 18 and May 11, prison officials suspended in-person visits but increased its virtual visiting room capacity. In addition each prisoner received 50 euros (\$60) per month to pay for telephone charges incurred during the period. On May 11, in-person visits resumed under

LUXEMBOURG

strict health and safety measures. Between March 18 and mid-June, prison officials suspended physical and work activities, with the exception of those judged necessary for prison operation, such as food and commissary services and janitorial duties, with inmates continuing to receive wages. Prison officials also prolonged time allowed for walks in the courtyard to compensate for the lack of physical activity. According to a representative of “In, Out ... and Now?”--an organization that promotes inmates’ rights--the increased isolation resulting from the COVID-19 measures represented the greatest problem for inmates.

On March 26-27, inmates rioted to draw attention to their conditions during the COVID-19 pandemic. The rioters asked for early release due to the pandemic; 40 of the rioters were punished by having their contact with other inmates reduced for 30 days. Between March 27 and April 2, approximately 30 inmates, including several of the rioters, staged a hunger strike at the Schrassig Prison Center; most of the inmates broke the strike within the first few days.

Administration: Authorities conducted investigations of credible allegations of mistreatment at prisons. On April 26, Schrassig prison officials discovered the body of a prisoner in his cell. The prison administration informed judicial authorities, who then requested an autopsy. The investigation continued at year’s end.

Independent Monitoring: The government permitted monitoring by independent human rights observers, including by the Council of Europe’s Committee for the Prevention of Torture in 2015 and the country’s ombudsman, who monitors and supervises the country’s detention centers.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention and provide for the right of any person to challenge the lawfulness of his or her detention in court. The government generally observed these requirements.

Arrest Procedures and Treatment of Detainees

Warrants issued by a duly authorized official are required for arrests in most cases. Police must inform detainees of the charges against them within 24 hours of their

LUXEMBOURG

arrest and bring detainees before a judge for a determination of the detention's legality. There is a functioning bail system, which judges regularly employed. According to the law, detainees must be provided access to an attorney prior to their initial interrogation. In cases of indigent detainees, the government pays for the attorney. These rights were respected.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary, and the government generally respected judicial independence and impartiality.

Trial Procedures

The constitution provides for the right to a fair public trial, and an independent judiciary generally enforced this right.

Defendants have the right to a presumption of innocence and the right to be informed promptly and in detail of the charges. Defendants have the right to a fair trial without undue delay. Trials are public, except for those involving sexual or child abuse cases. Defendants have the right to be present and to consult in a timely manner with an attorney of their choice or to have one provided at public expense. Defendants and their attorneys have adequate time and facilities to prepare a defense. Persons who do not speak or understand the language of the proceedings are entitled to the free assistance of an interpreter as soon as they are questioned as a suspect, in the course of an investigation, during a preliminary investigation, or in criminal proceedings if charged. Defendants may confront witnesses against them and present witnesses and evidence on their own behalf. They may not be compelled to testify or confess guilt. Defendants have the right of appeal.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

Magistrate courts serve as an independent and impartial judiciary in civil and commercial matters and are available to individuals who wish to bring lawsuits

LUXEMBOURG

seeking damages for, or cessation of, a human rights violation. Citizens may appeal cases involving alleged violations of the European Convention on Human Rights by the state to the European Court of Human Rights after exhausting all routes for appeal in the country's judicial system.

In its 2019 report, the Center for Equal Treatment noted that several persons reported that complaints of discrimination filed with the Grand Ducal Police had been closed without action by the Public Prosecutor's Office. The center suggested that a possible lack of resources in the office was behind the closure of the cases, which were mostly for racist or homophobic verbal insults, and recommended that the Public Prosecutor's Office be given more staff to investigate these accusations thoroughly.

Property Restitution

The government has laws and mechanisms in place for its continued investigation of Holocaust-era claims. NGOs and advocacy groups reported, however, that the government did not completely resolve Holocaust-era claims. According to the Jewish community, most claims by citizens for Holocaust-era property restitution have been settled, but issues remained for the restitution of Holocaust assets to victims who either were citizens of a foreign country or had no citizenship at all. A government representative underscored that authorities were aware of those issues.

The Department of State's Justice for Uncompensated Survivors Today (JUST) Act report to Congress, released publicly on July 29, can be found on the Department's website: <https://www.state.gov/reports/just-act-report-to-congress/>.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The constitution and law prohibit such actions, and there were no reports that the

LUXEMBOURG

government failed to respect these prohibitions.

Section 2. Respect for Civil Liberties, Including

a. Freedom of Expression, Including for the Press

The constitution and law provide for freedom of expression, including for the press, and the government generally respected this right. An independent press, an effective judiciary, and a functioning democratic political system combined to promote freedom of expression, including for the press.

Freedom of Speech: The law prohibits hate speech in any medium, including online forums, and provides for prison sentences of between eight days and two years and fines for violations. Victims of hate speech on the internet as well as third-party observers can access a website to report hateful remarks and seek help and advice. The public prosecutor's office and the courts responded firmly to hate speech.

Freedom of Press and Media, Including Online Media: Independent media were active and expressed a wide variety of views without restriction.

Between March 18 and May 4, the government held virtual press conferences without the physical presence of the press corps in a national effort to limit the spread of coronavirus. Journalists complained they had limited access to information at a critical time when the country needed timely updates and that they could not ask follow-up questions. On May 4, the government reopened the press conferences to physical presence of journalists, with the appropriate health and safety measures added, including government-mandated social distancing.

Libel/Slander Laws: The law prohibits "libel, slander and defamation" and provides for prison sentences of between eight days and two years and fines for violations. The government or individual public figures did not use these laws to restrict public discussion or retaliate against journalists or political opponents.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online

LUXEMBOURG

content, and there were no credible reports that the government monitored private online communications without appropriate legal authority.

Academic Freedom and Cultural Events

Between March 18 and May 11, the government closed academic and cultural venues in a national effort to limit the spread of the coronavirus. After May 11, the government authorized the reopening of academic and cultural venues on the conditions that attendees be seated and must either wear a mask or maintain a 6.5-foot distance between one another. Most organizers moved their events online. Starting November 26, and until December 15, the government closed all cultural venues with the exceptions of museums, art galleries, libraries, and national archives, in a national effort to limit the spread of the coronavirus.

b. Freedoms of Peaceful Assembly and Association

The constitution and law provide for the freedoms of peaceful assembly and association, and the government generally respected these rights.

Freedom of Peaceful Assembly

Between March 18 and September 30, in a national effort to limit the spread of COVID-19, the government imposed restrictions on public gatherings, prohibiting them from March 18 to May 11. Violating the ban was punishable by a fine. The government did not enforce the ban against protests. Following May 11, the government authorized public gatherings provided that participants be seated and wear a mask or maintain a 6.5-foot distance from one another. The requirement to be seated did not apply to protesters.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement

The constitution and law provide for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

LUXEMBOURG

Starting October 30, until at least December 15, the government established an 11 p.m.-6 a.m. curfew in a national effort to limit the spread of COVID-19, with certain exceptions for professional, health, family, transit, and emergency reasons. Violating the curfew was punishable by a fine. The Consultative Commission for Human Rights insisted in its October 28 review of the bill on the “seriousness of this measure, which in particular presents a significant restriction on freedom of movement.”

e. Status and Treatment of Internally Displaced Persons

Not applicable.

f. Protection of Refugees

The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees.

On August 11, the Luxembourg Refugee Council, a collective of prorefugee NGOs and associations, accused the Immigration Directorate of discouraging asylum seekers from submitting their applications for asylum and of failing to provide those who submitted a request with a reception certificate that would allow them to stay in country pending adjudication of their asylum applications. In reply Minister of Immigration and Asylum Jean Asselborn admitted that the directorate was unable to register applications for international protection between June 29 through July 9 due to technical difficulties, resulting in applicants’ having to return later, but he stated that affected applicants were accommodated and supported by the National Reception Office, even without a proper application receipt.

The council further accused the directorate of failing to respect the presumption of minor status by making excessive background checks for the registration of an asylum application. Asselborn clarified that the directorate is under the obligation to protect minors in homes and schools and to prevent adults who might

LUXEMBOURG

fraudulently pose as a minor in an attempt to benefit from government programs. He noted that in 2019 a total of 64 applicants tried to pass as minors, compared with 40 in 2018.

The government exempted persons seeking international protection or refugee status for other humanitarian reasons from temporary immigration restrictions between March 18 and December 31.

Safe Country of Origin/Transit: The country generally denied asylum to asylum seekers who arrived from a safe country of origin or transit, pursuant to the EU's Dublin III Regulation. The government considered 13 countries to be "safe countries of origin" for purposes of asylum. Countries considered "safe" at the end of 2017 were Albania, Benin (only for male applicants), Bosnia and Herzegovina, Cabo Verde, Croatia, Georgia, Ghana (only for male applicants), Kosovo, Macedonia, Montenegro, Senegal, Serbia, and Ukraine.

Employment: According to the country's National Refugee Council, language barriers and the inability to understand the domestic job market reduce employment opportunities. According to the representatives of the Immigration Directorate, application procedures are the same for all non-EU nationals.

Durable Solutions: Through the EU, the country accepted refugees for resettlement, offered naturalization to refugees residing in the country, and assisted refugees in voluntary return to their homelands.

Temporary Protection: The government provided subsidiary protection to individuals who may not qualify as refugees but who could not return to their country of origin due to a risk of serious harm, and provided it to approximately 40 persons in 2019.

Section 3. Freedom to Participate in the Political Process

The constitution and law provide citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and

LUXEMBOURG

equal suffrage.

Elections and Political Participation

Recent Elections: In 2018 the country held parliamentary elections that observers considered free and fair.

Participation of Women and Members of Minority Groups: No laws limit the participation of women and members of minority groups in the political process, and they did participate. The law requires that 40 percent of the party candidate lists submitted for national elections be from “the underrepresented gender.” If a party fails to meet the quota, the law provides a graduated scheme of reducing its yearly financial endowment from the government, based on the extent of failure to meet the criteria. The country’s five major parties all met the 40 percent criterion in their candidate lists for the parliamentary elections.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, and the government generally implemented the laws effectively.

Financial Disclosure: By executive order, cabinet members must disclose any company assets, in the form of shares or otherwise, that they own. The order requires that prospective ministers submit the information before they assume office. The declarations are available to the public on the government’s internet website. There are no criminal or administrative sanctions for noncompliance, and no particular agency has a mandate to monitor disclosures.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights

A number of domestic and international human rights groups operated without government restriction, investigating and publishing their findings on human rights

LUXEMBOURG

cases. Government officials often were cooperative and responsive to their views.

Government Human Rights Bodies: The government bodies that deal with human rights are the Consultative Commission for Human Rights, the Ombudsman Committee for the Rights of Children, and the Interministerial Committee on Human Rights. In addition the Center for Equal Treatment monitors issues related to discrimination based on race or ethnic origin, sex, sexual orientation, religion or beliefs, disability, and age. All of these organizations are government funded and are composed of government appointees, but they act independently of the government and of one another. The government provided resources for the continuous and unrestricted operation of the committees. As consultative bodies in the legislative process, the committees commented on the government's bills and amendments to laws concerning human rights. They were also active in outreach efforts, informing the public about human rights and publishing annual reports on their activities.

The independent, government-wide Ombudsman (which is different from the Ombudsman Committee for the Rights of Children) handles human rights complaints against government institutions but only mediates between citizens and the public sector. It cannot receive complaints against the private sector, although many assistance institutions are private or run by not-for-profit organizations that often received government support. The Center for Equal Treatment can receive complaints against the private sector but cannot take cases to court on behalf of victims.

The Interministerial Committee on Human Rights aims to improve interministerial cooperation and coordination on human rights issues and to strengthen the country's internal and external human rights policies. It monitors the implementation of the country's human rights obligations in consultation with national human rights institutions and civil society. Every ministry has a seat on the committee, which is coordinated by the Ministry of Foreign and European Affairs and chaired by the ambassador-at-large for human rights.

Section 6. Discrimination, Societal Abuses, and Trafficking

LUXEMBOURG

in Persons

Women

Rape and Domestic Violence: The law prohibits rape of both women and men, including spousal rape, and the government enforced the law effectively. Penalties for violations range from five to 10 years' imprisonment. The law prohibits domestic violence, and the government effectively enforced the law. The law is gender-neutral and provides for the removal of abusers from their residences for a 14-day period that can be extended once for an additional three months upon request of the victim. Penalties may include fines and imprisonment. Police are required to investigate if an NGO reports having been approached by an individual for assistance in cases involving domestic abuse.

According to the most recent report, authorities investigated 144 accusations of indecent assault and 116 cases of rape in 2019, representing modest increases over the previous year. Police also intervened 849 times in domestic violence situations, and prosecutors authorized 265 evictions of the abuser from the domestic home as a result of these incidents, increases of 13 percent and 12.8 percent, respectively, over the same period in the previous year.

On August 11, a representative from Women in Distress, a nonprofit association providing protection to women and children from domestic violence, reported that, while there might not have been a significant increase in evictions between March and May, the cases reported had been more violent, often involving battery or death threats, with perpetrators using weapons such as baseball bats. The representative added that in August there were three cases in which the perpetrator was jailed rather than evicted from the home for a 14-day period.

The government funded organizations that provided shelter, counseling, psychosocial assistance, and hotlines. Three separate hotlines were available to assist men and women who were victims of domestic abuse. The government provided financial assistance to victims of domestic violence.

On April 14, the Ministry of Equality between Women and Men initiated and supported a new helpline for victims of domestic abuse during the COVID-19

LUXEMBOURG

pandemic. The helpline was a collaborative effort by nonprofit associations and was reachable seven days a week from 12 p.m. to 8 p.m.

The Ministry of Equality-headed Committee for Domestic Violence worked to improve the government's response to domestic violence by centralizing and studying data provided by state bodies and assistance services as well as proposing input on government proposals and draft legislation. By law the committee is required to transmit a written report to the government on its findings.

The Ministry of Equality between Women and Men operated a prevention website to raise awareness against the different types of violence against women, including psychological, sexual, and domestic violence, and provided victims with telephone numbers available for assistance services as well as contact information for police.

Sexual Harassment: The law prohibits gender-based sexual harassment and requires employers to protect employees from such harassment. Disciplinary measures against offenders included dismissal. The law considers an employer's failure to take measures to protect employees from sexual harassment a breach of contract, and an affected employee is entitled to paid leave until the situation is rectified. In 2019 the Labor Inspection Court received 17 cases of sexual harassment in the workplace.

In its 2019 report to parliament and the government, the Center for Equal Treatment complained that the law does not give the Court for Inspection of Labor and Mines (ITM) the means to repress or sanction perpetrators of sexual harassment, even though the court is responsible for applying provisions against sexual harassment in the workplace.

Reproductive Rights: Couples and individuals have the right to decide the number, spacing, and timing of their children. All individuals have the right to manage their reproductive health and to have access to the information and means to do so, free from discrimination, coercion, or violence. There are no legal, social, and cultural barriers regarding access to contraception. There are no legal, social, and cultural barriers to access for skilled health attendance during pregnancy and childbirth. The government provided access to sexual and

LUXEMBOURG

reproductive health services for survivors of sexual violence.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Discrimination: The law provides for the same legal status and rights for women as for men. The government enforced the law effectively. In 2019 the Center for Equal Treatment reported handling 18 cases of potential gender-based discrimination.

Children

Birth Registration: Citizenship is governed by the principle of descent, according to which a father or mother who is a citizen automatically conveys citizenship to offspring at birth. The law allows for citizenship via naturalization and allows dual citizenship. Citizenship for minor children is automatically conveyed when a parent naturalizes.

Child Abuse: The law prohibits child abuse. Authorities enforced the law. Penalties for child abuse range from one to five years' imprisonment and fines. Three separate hotlines were available to assist children who were victims of domestic abuse.

Child, Early, and Forced Marriage: The minimum legal age for marriage is 18 but can be waived by a guardianship judge. In its 2017 report to parliament, the country's Ombudsman Committee for the Rights of Children noted that forced marriage had become a problem as a result of immigration, but no official data on it was available.

Sexual Exploitation of Children: The law prohibits the commercial sexual exploitation of children, the sale of children, the offering or procuring of a child for child prostitution, and practices related to child pornography. Authorities enforced the law, and cases were rare. Penalties for trafficking, including sexual trafficking, of children range from 10 years' to 15 years' imprisonment and fines. The law provides that a client having consciously committed a commercial sexual act with a minor can be sentenced to one to five years of imprisonment, five to 10 years if the minor was younger than age 16, and 10 to 15 years if the minor was younger

LUXEMBOURG

than age 11, plus fines.

From July 6 to July 9, more than 100 police officers carried out 46 searches in connection with child pornography investigations. During a July 10 press conference, the investigator announced that more than a third of those investigated as part of the operation were minors. The material seized in the searches varied from a handful of images to hard disks containing indecent images of children. An officer from the police's child protection service noted that the searches were just the first step in addressing the problem of child pornography.

The minimum legal age for consensual sex is 16.

Displaced Children: In 2019 the Immigration Directorate noted there were 36 asylum requests for unaccompanied children, the same number as it received in 2018. On April 15, the government accepted the relocation from Greece of 12 unaccompanied Afghan and Syrian minors between the ages of 11 and 15. There were three specialized housing shelters specifically for unaccompanied children and two shelters that also accepted unaccompanied children; the government placed unaccompanied children in these shelters whenever feasible.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

Anti-Semitism

The Jewish community numbered approximately 1,500 persons. There were no reports of physically violent anti-Semitic acts committed against the community, although there were isolated cases of anti-Semitic content on the internet.

The government has laws that punish anti-Semitic statements and Holocaust denial; the government generally enforced the law when notified. Jewish groups reported anti-Semitic statements and attitudes online, especially in association with

LUXEMBOURG

statements related to the government of Israel and the Holocaust.

On April 21, the president of the NGO Research and Information on Anti-Semitism in Luxembourg (RIAL) reported that a Facebook user shared a video on his personal page that spoke of a Judeo/Masonic conspiracy to create a third world war that would give power to “political Zionists.” On April 24, the president of RIAL referred the video to the online service Bee-Secure, which forwarded it to police.

Trafficking in Persons

See the Department of State’s *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, or mental disabilities. The government largely enforced these provisions. The law requires all new government-owned buildings and buildings undergoing renovation to be accessible to persons with disabilities. Private facilities and services as well as existing government-owned buildings are not subject to the law. The accessibility of public transportation outside the capital was limited. The law recognizes German sign language, allowing deaf and hard-of-hearing persons to use both the language and a state-paid translator in their communications with government.

In its 2019 report, the Center for Equal Treatment wrote that it handled 37 cases of potential discrimination related to disability. Most of the cases concerned access to the job market and housing.

On February 11, the government presented its second *National Action Plan for Disabled People*. The Consultative Commission for Human Rights and the Center for Equal Treatment described the new plan as detailed and providing precise and concrete measures, but lamented the absence of a control mechanism for the private sector. It noted the government had not sufficiently involved persons with

LUXEMBOURG

disabilities in the drafting process.

On June 8, the director general of the Blannenheem, a home for elderly blind and partially sighted persons in Rollingen, was forced to step down after family members of approximately 30 residents criticized inhuman treatment. Speaking to the national television and radio station RTL on June 4, the complainants claimed that the atmosphere at the home was “prison-like” and that the residents were treated “like objects.” The administrative board asserted in a statement that the severe complaints of the family members did not reflect the reality on the ground.

On July 9, the Consultative Commission for Human Rights, the Center for Equal Treatment, and the ombudsman released a joint open letter in which they drew attention to measures “causing concern” in care service facilities for persons with disabilities. The measures included, but were not limited to, the medical sedation of persons with disabilities unable to express themselves and leaving doors open while care services were provided. All three organizations acknowledged that the shortfalls might be linked to a shortage of time and personnel and a lack of training.

Following the government recommendations, most accommodations restricted access to outside visitors between March and May to prevent a possible spread of the coronavirus. From March 15 through May 11, the Association of Parents of Mentally Disabled Children closed its 23 residential facilities for adults to outside visitors, which housed 196 persons. Between May 12 and June 14, the association reauthorized outside visits at these facilities by appointment only, requiring health and safety measures, such as wearing a mask and sanitizing one’s hands during visits. On June 15, the association lifted all restrictions for in-person visits but asked visitors to abide by relevant health and safety measures (wearing masks, social distancing, and washing hands). On August 10, a representative from InfoHandicap, an organization for persons with disabilities, noted that some of the government’s response measures had adverse effects on the country’s most vulnerable groups, such as the elderly and persons with disabilities. The InfoHandicap representative noted that during the ban on outside visitors, patients experienced an increased sense of isolation which could cause psychological

LUXEMBOURG

damage and stress.

The education system allows children with disabilities to attend their local schools with their peers without disabilities. Parents, however, can decide to place their children in segregated classes. According to a representative of InfoHandicap, most children with disabilities attended segregated classes due to the lack of trained teachers to respond to the children's needs. He further noted that attending those segregated classrooms affects a child's chances of employment or pursuing higher education, because segregated classes do not issue diplomas. A representative of the Ministry of Education noted that the ministry increased financial resources and trained personnel to allow a maximum number of children with disabilities to attend their local schools with their peers without disabilities. He further noted that most children attending segregated classes suffered from mental and physical disabilities serious enough to prevent their pursuing employment or higher education.

In response to the COVID-19 pandemic, the government closed all classes, including segregated classes, between March 16 and May 25. It reopened segregated classes on April 20 for the most vulnerable children. The government also closed workshops for children with disabilities and noted that students attending segregated classes could not be permitted in day-care facilities to prevent the students from mixing. On April 3, the government introduced paid family support leave that allowed one parent at a time working in the private sector or self-employed to take care of a disabled or elderly person whose care facility structure ceased its activities during the COVID-19 pandemic, applying this measure retroactively to March 18. Several organizations, including the Luxembourg Assistance to Persons Suffering from Neuromuscular and Rare Diseases and InfoHandicap, criticized the government for not allowing both parents to stay home at the same time, as affected children often needed attention from more than one caregiver. According to the government, making such an exception to the law would have discriminated against families with children without disabilities.

The law permits persons with mental disabilities to be placed under legal guardianship. Persons under guardianship lose the right to vote. Several

LUXEMBOURG

associations, including InfoHandicap, called the law excessively restrictive.

Members of National/Racial/Ethnic Minority Groups

The center recorded 31 cases of alleged discrimination involving race or ethnicity in its 2019 report.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity

The law prohibits all forms of discrimination based on sexual orientation or gender identity.

The Center for Equal Treatment's 2019 report stated that it handled six cases of potential discrimination linked to sexual orientation.

The president of Rosa Letzebuerg, a local prolesbian, gay, bisexual, transgender, and intersex association, noted that gay and bisexual men continued to be prohibited from donating blood.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the rights of workers, including foreign workers and workers in the informal sector, to form and join independent unions of their choice, to bargain collectively, and to conduct legal strikes. The law allows unions to conduct their activities without interference. Workers exercised these rights freely, and the government protected these rights. The law prohibits antiunion discrimination and requires reinstatement of workers fired for union activity.

The right to strike excludes government workers who provide essential services. Legal strikes may occur only after a lengthy conciliation procedure between the parties. For a strike to be legal, the government's national conciliation office must certify that conciliation efforts have ended.

The government effectively enforced the law. Penalties were commensurate with those for similar crimes. The government and employers respected freedom of

LUXEMBOURG

association and the right to collective bargaining in practice.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor. The government pursued suspected cases and effectively enforced the law. Although NGOs reported it to be understaffed, the Labor Inspectorate increased recruitment efforts during the year to allow it to conduct timely inspections to enforce compliance. Penalties for violations included imprisonment under criminal law and were commensurate with those for similar crimes.

There were reports that foreign men and women were engaged in forced labor, chiefly in the construction and restaurant sectors. Some children were engaged in forced begging (see section 7.c.).

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits the worst forms of child labor and the employment of children younger than 16. Trainees younger than 16 must attend school in addition to their job training. The law also prohibits the employment of workers younger than 18 in hazardous work environments, on Sundays and official holidays, and for nighttime work. The Ministries of Labor and Education effectively enforced the child labor laws.

Romani children from neighboring countries were sometimes brought into the country during the day and trafficked for the purpose of forced begging (see section 7.b.).

The government worked to increase resources, inspections, and remediation over the year. By law persons who employ children younger than 16 may be subject to a fine and prison sentence. The penalties were commensurate with those for other

LUXEMBOURG

crimes.

d. Discrimination with Respect to Employment and Occupation

The law prohibits discrimination with respect to employment and occupation based on race, color, national extraction, social origin, religion, political opinion, sex, disability, language, sexual orientation or gender identity, HIV-positive status or other communicable diseases, or refugee or social status. The government effectively enforced these laws and regulations and penalties for violations were commensurate with those for other crimes.

Employers occasionally discriminated against persons with disabilities in employment (see section 6, Persons with Disabilities). The law establishes quotas that require businesses employing more than 25 persons to hire certain percentages of workers with disabilities and to pay them prevailing wages. InfoHandicap noted that the government failed to enforce these laws consistently.

The law provides for the same legal status and rights for women as for men, including rights under labor law and in the judicial system. The law mandates equal pay for equal work. According to information provided by the Ministry of Equality between Women and Men, during the year employers paid women 5.5 percent less on average than men for comparable work.

e. Acceptable Conditions of Work

The national minimum wage for a worker older than age 18 was greater than the estimated poverty income level. Minimum wage provisions apply to all employees, including foreign, migrant, temporary, and contract workers. Collective bargaining agreements established eight hours as a standard workday, with a 40-hour week and provision for 26 days leave and overtime.

The ITM, the Social Security Ministry, and the Superior Court of Justice are responsible for enforcing laws governing maximum hours of work and mandatory holidays. The government regularly conducted investigations and transferred cases to judicial authorities. The majority of alleged violations occurred in the construction sector. The agencies effectively enforced the law, when notified. Penalties for violations are commensurate with those for other similar crimes. In

LUXEMBOURG

2019 the ITM carried out 5,682 inspections and levied a total of almost 5.4 million euros (\$6.5 million) in fines.

The law mandates a safe working environment and occupational safety and health standards are current and appropriate. Authorities effectively protected employees in this situation. Penalties were commensurate with similar violations.

The ITM and the accident insurance agency of the Social Security Ministry are responsible for inspecting workplaces. Although NGOs reported the Labor Inspectorate to be understaffed, the Labor Inspectorate increased recruitment efforts during the year to enforce compliance sufficiently. Inspectors have the authority to make unannounced inspections, except in private homes, and to order emergency measures for the regularization or cessation of labor law violations. They can seek assistance from the police should they meet opposition to the fulfillment of their duties. Inspectors can issue fines and establish reports documenting the infringements of the laws, which are forwarded by the director to the prosecutor's office for further action if needed. There was no moratorium on inspections during the year. Workers have the right to ask the Labor Inspectorate to make a determination regarding workplace safety. Penalties for violations included fines and imprisonment and were commensurate with other similar crimes. Accidents occurred most frequently in the construction, commerce, industry, and catering sectors. In 2019 the ITM recorded 466 accidents (versus 442 accidents in 2018), including nine fatalities.